

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: A. Anthony East
Serial No.: 10/687,528
Filed: October 16, 2003
Confirmation No.: 5223
For: **GARAGE DOOR LOCKING SYSTEM**

Examiner: Gall, Lloyd A.
Art Unit: 3676

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REPLY AND AMENDMENT

Applicant has filed simultaneously with this Reply and Amendment a Request for Continued Examination of Serial No. 10/687,528, filed October 16, 2003, now pending.

Please provide a one-month extension of time up to and including June 16, 2006, based on the final office action mailed February 16, 2006. The Director is authorized to charge the one-month extension fee and any additional fees or credit any overpayment to Deposit Account No. 09-0528.

In view of the present Amendment and Request for Continued Examination, Applicant requests that the unentered amendment submitted on May 16, 2006, not be entered.

Please amend the above-identified application as indicated below.

Amendments to the Claims begin on page 2 of this paper.

Remarks begin on page 8 of this paper.

Amendments to the claims:

The following listing of the claims will replace all prior versions and listings of the claims.

Please amend the claims as indicated below:

1. (currently amended) A garage door locking system comprising:
 - (a) a central elongated spindle having an inside end and an outside end;
 - (b) an outside locking member on the outside end of the spindle;
 - (c) an inside locking member on the inside end of the spindle; and
 - (d) an actuator yoke on the inside end of the spindle, the yoke having ~~at least one~~a first end configured for connection to ~~an end of an~~ a first elongated lock bar, and a second end configured for connection to a second elongated lock bar, the first and second ends outwardly extending from the locking system;
~~wherein the outside locking member and the inside locking member are configured to permit the spindle to be both selectively locked against rotation and selectively unlocked to permit rotation from either the inside end or the outside end of the spindle both the inside locking member and the outside locking member are operable to selectively permit and selectively prevent rotation of the spindle by manipulation of the outside end of the spindle.~~
2. (original) A garage door locking system according to claim 1 wherein the at least one end of the yoke also is configured for connection to an end of a snap latch cable.
3. (original) A garage door locking system according to claim 1 wherein the outside locking member is a keyed cylinder lock.

4. (original) A garage door locking system according to claim 1 wherein the inside locking member is a push-button cylinder lock.

5. (original) A garage door locking system according to claim 1 and further comprising an outside handle on the outside end of the spindle.

6. (original) A garage door locking system according to claim 1 and further comprising an inside handle on the inside end of the spindle.

7. (original) A garage door locking system according to claim 1 wherein the yoke includes a first end and an opposed second end, and wherein the first and second opposed ends each are configured for connection to an end of an elongated locking bar.

8. (original) A garage door locking system according to claim 1 wherein the actuator yoke includes a hub portion for connection to the inside end of the spindle and two opposed ends, wherein the opposed ends of the yoke are offset from the hub portion such that the opposed ends are nearer the outside end of the spindle than the hub portion.

9. (original) A garage door locking system according to claim 8 and further comprising an inside escutcheon, wherein the inside escutcheon includes a central protruding portion and a recessed portion, wherein the recessed portion provides sufficient clearance to permit selective

rotation of the two opposed ends of the yoke when the spindle rotates relative to the inside escutcheon.

10. (original) A garage door locking system according to claim 1 and further comprising an outside escutcheon.

11. (original) A garage door locking system according to claim 1 and further comprising an inside escutcheon.

12. (currently amended) A locking system for a garage door having an inside face, an outside face, and first and second opposed side edges, the locking system comprising:

(a) a spindle configured to be rotatably mounted in an aperture in the garage door, the spindle having an inside end and an outside end, wherein the inside end of the spindle inwardly extends a substantial distance from the inside face of the garage door; **and**

(b) an offset actuator yoke having a central hub portion on the inside end of the spindle, and having opposed ends, wherein the central hub is proximate to the inside end of the spindle and the opposed ends outwardly extend from the locking system and are substantially proximate to the inside face of the garage door when the spindle is rotatably mounted in the garage door aperture and the central hub is mounted on the spindle;

(c) an outside locking cylinder on the outside end of the spindle; and

(d) an inside locking cylinder on the inside end of the spindle;

wherein ~~the outside locking member and the inside locking member are configured to permit the spindle to be both selectively locked against rotation and selectively unlocked to~~

~~permit rotation, from either the inside end or the outside end of the spindle both the inside locking cylinder and the outside locking cylinder are operable to selectively permit and selectively prevent rotation of the spindle by manipulation of the outside end of the spindle.~~

13. (original) A locking system according to claim 12 and further comprising an inside escutcheon configured for attachment on the inside face of the garage door, wherein the inside escutcheon includes a raised central portion and a recessed outer portion such that the recessed outer portion provides sufficient clearance to permit rotation of the opposed ends of the yoke relative to the inside escutcheon.

14. (original) A locking system according to claim 13 and further comprising an outside escutcheon configured for attachment on the outside face of the garage door.

15. (original) A locking system according to claim 12 and further comprising an outside handle on the outside end of the spindle and an inside handle on the inside end of the spindle.

16. (canceled)

17. (previously presented) A locking system according to claim 12 wherein the outside locking cylinder is a keyed locking cylinder.

18. (canceled)

19. (previously presented) A locking system according to claim 12 wherein the inside locking cylinder is a push-button locking cylinder.

20. (currently amended) A garage door lock comprising inside and outside coaxial locks on respective inside and outside ends of a central spindle, and an offset yoke on the spindle configured for selective connection to ~~at least one first and second~~ slidable lock bars or ~~at least one first and second~~ snap latch cables, wherein ~~the inside and outside coaxial locks are configured to permit the spindle to be both selectively locked against rotation and selectively unlocked to permit rotation by either the inside lock or the outside lock~~ both the inside lock and the outside lock are operable to selectively permit and selectively prevent rotation of the spindle by manipulation of the outside end of the spindle.

21. (original) A garage door lock according to claim 20 wherein the offset yoke on the spindle is configured for selective connection to first and second slidable lock bars or first and second snap latch cables.

22. (original) A garage door lock according to claim 20 and further comprising an inside handle and an outside handle on the spindle.

23. (original) A garage door lock according to claim 20 and further comprising an inside escutcheon and an outside escutcheon.

24. (original) A garage door lock according to claim 23 wherein the inside escutcheon includes a raised central portion and a recessed outer portion such that the recessed outer portion provides clearance for rotation of the yoke relative to the inside escutcheon.

Remarks

Claims 1-15, 17 and 19-24 are pending in the application. Claims 1, 2, 4-8, 10, 12, 15 and 19-22 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 5,180,201 to **Hauber**. Claims 3 and 17 stand rejected under 35 U.S.C. 103(a) as being unpatentable over **Hauber** in view of U.S. Pat. No. 2,427,909 to **Howell**. Claims 9, 11, 13, 14, 23 and 24 stand rejected under 35 U.S.C. 103(a) as being unpatentable over **Hauber** in view of U.S. Pat. No. 2,473,065 to **Miller**. Claims 1, 12 and 20 are amended herein. The Applicant believes the amendments to the claims place the claims in condition for allowance over the prior art of record.

The Applicant thanks the Examiner for the courtesies extended in the interview conducted with Applicant's representative on May 11, 2006.

I. Claims 1, 2, 4-8, 10, 12, 15 and 19-22 Are Not Anticipated by Hauber

Claims 1, 2, 4-8, 10, 12, 15 and 19-22 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 5,180,201 to **Hauber**. Claims 1, 12, and 20 have been amended. Claims 1, 2, 4-8, 10, 12, 15 and 19-22 each recite a spindle and an inside and an outside locking mechanism (or an inside and an outside lock) on the respective inside and outside ends of the spindle. The specification describes such operability of the lock at page 8, line 21 to page 9, line 14.

Hauber does not disclose a lock as claimed. **Hauber** states that the latch can be "locked by the outside handle 18," (Col. 4, lines 29-30), and that the latch "can be opened by rotation of the inside handle 46, provided the nut 38 is pushed out of locked engagement with the bushing reduced end portion shoulder 34." **Hauber** does not describe a device, however, wherein the shaft (14) can be selectively locked against rotation by an inside lock or inside locking mechanism such that the shaft (14) cannot be rotated by manipulation of the outside end of the shaft (14) (such as by manipulation of the outside handle (18)). Nor does **Hauber** describe a device wherein the inside lock is operable to permit rotation of the shaft (14) when the shaft has

been locked by the outside handle (18). Indeed, in the device of **Hauber**, the shaft (14) can only be positively locked and unlocked from the outside.

Therefore, **Hauber** does not disclose every limitation recited in any one of claims 1, 2, 4-8, 10, 12, 15 and 19-22, and the rejection of these claims under 35 U.S.C. 102(b) should be withdrawn.

II. The Office Action Has Not Made a Prima Facie Case of Obviousness as to Claims 1-11 and 16-24

The Examiner has the burden to establish a *prima facie* case of obviousness when rejecting claims under 35 U.S.C. §103(a). *See* MPEP 2142. To establish a *prima facie* case of obviousness, three basic criteria must be met. *See* MPEP 2143. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. *See* Id. Indeed, the proposed modification cannot render the prior art unsatisfactory for its intended purpose and cannot change the principle of operation of a reference. *See* MPEP 2143.01. Second, there must be a reasonable expectation of success. *See* MPEP 2143. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *See* Id. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. *See* Id. (citing *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)).

A. Claims 3 and 17 are Patentable Over Hauber in View of Howell

Claims 3, 16 and 17 stand rejected under 35 U.S.C. 103(a) as being unpatentable over **Hauber** in view of **Howell**. Claim 16 is cancelled. The Office action states, “Howell teaches a key cylinder 22 on an outside handle 20,” and it “would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize a lock cylinder with the key lock on the outer handle of Hauber, in view of the teaching of Howell....” (p. 3) The Applicant respectfully traverses this rejection.

Like the claims discussed above, claims 3 and 17 both require a spindle and an inside and an outside locking mechanism (or an inside and an outside lock) on the respective inside and outside ends of the spindle. Both of these claims also require that the inside and outside locking mechanisms (or inside and outside locks) be operable to selectively permit and selectively prevent rotation of the spindle by manipulation of the outside end of the spindle. As discussed above, **Hauber** does not describe a lock wherein the inside and outside locks are operable to selectively permit and selectively prevent rotation of the spindle by manipulation of the outside end of the spindle (such as by manipulation of the outside handle (18), for example). Indeed, in the device of **Hauber**, the shaft (14) can only be both positively locked and unlocked by using the outside handle (18). **Howell** similarly describes a lock wherein the shaft (26) can only be positively locked and unlocked by an outside locking mechanism (22). As explained in Applicant's specification, such systems "cannot be locked or unlocked from the inside of a garage door...." (page 3, lines 9-11)

Therefore, the references do not teach or suggest all of the claim limitations. Accordingly, the Office Action does not establish a *prima facie* case of obviousness, and the rejection of claims 3 and 17 under 35 U.S.C. 103(a) should be withdrawn.

B. Claims 9, 11, 13, 14, 23 and 24 are Patentable over Hauber in View of Miller

Claims 9, 11, 13, 14, 23 and 24 stand rejected under 35 U.S.C. 103(a) as being unpatentable over **Hauber** in view of **Miller**. The Office action states, "It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide an inner escutcheon for the inner handle and yoke of Hauber (201) in view of Miller (065)." The Applicant respectfully traverses this rejection.

Claims 9, 11, 13, 14, 23 and 24 each recite a garage door locking system that includes inside and outside locking mechanisms (or inside and outside locks) that each are operable to selectively permit and selectively prevent rotation of the spindle by manipulation of the outside

end of the spindle. As discussed immediately above, **Hauber** does not describe such a garage door locking system. **Miller** also fails to disclose such a locking system. Therefore, the cited references do not disclose all of the claim limitations, and at least for this reason, the rejection should be withdrawn.

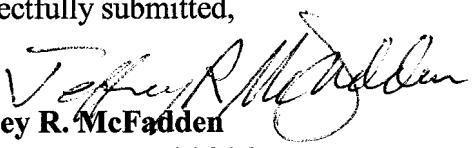
In addition, **Miller** does not disclose or suggest an inside escutcheon as required by each of the rejected claims. A person of ordinary skill in the art at the time of the invention would understand that an “escutcheon” is a protective or ornamental plate or flange. As described in the specification, the inside escutcheon covers the functional inside portions of the lock, and helps to provide a “finished and elegant appearance to the interior of a door.” (page 8, lines 6-9) **Miller** simply does not disclose or suggest an inner escutcheon as recited in the subject claims. The Office Action states that **Miller** teaches an inside escutcheon 11, 17. The base (11) and central portion (17) do not protect or cover any exposed operable inside portions of the lock described in **Miller**. To the contrary, the base (11) and central portion (17) of **Miller** underlie and are substantially hidden by the operable inside portions of the lock. Accordingly, the cited references do not teach or suggest all of the claim limitations, and the rejection should be withdrawn.

Therefore, the Office Action does not establish a *prima facie* case of obviousness, and the rejection of claims 9, 11, 13, 14, 23 and 24 under 35 U.S.C. 103(a) should be withdrawn.

Conclusion

Applicant believes this case is now in condition for the immediate allowance of Claims 1-15, 17 and 19-24, and such action is respectfully requested. If any issue remains unresolved, however, Applicant's attorney welcomes the opportunity for a telephone interview to expedite allowance and issue.

Respectfully submitted,


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